

LAW OFFICE
THOMAS F. McFARLAND, P.C.
208 SOUTH LASALLE STREET - SUITE 1890
CHICAGO, ILLINOIS 60604-1112
TELEPHONE (312) 236-0204
FAX (312) 201-9695
mcfarland@aol.com

THOMAS F. McFARLAND

November 10, 2004

By electronic mail

Vernon A. Williams, Secretary
Surface Transportation Board
Case Control Unit, Suite 713
1925 K Street, N.W.
Washington, DC 20423-0001

Re: Docket No. AB-290 (Sub-No. 252X), *Norfolk Southern Railway Company -- Abandonment Exemption -- in Nottoway, Prince Edward, Cumberland and Appomattox Counties, VA*

Dear Mr. Williams:

On November 9, 2004, the undersigned filed a Statement in Opposition to Petition for Exemption of Abandonment in behalf of SMI Rebar in the above proceeding. On page 3 of that Statement, a line of decisions was listed in which petitions for exemption of abandonment were denied when abandonment was actively opposed and it was not evident from the petitions that rail line revenues were marginal in comparison to the costs of operating the line.

An additional decision denying a petition for exemption of abandonment on that ground was issued after the filing of that Statement -- i.e., *Wyoming and Colorado R. Co., Inc. -- Aband. Exempt. -- in Carbon County, WY*, Docket No. AB-307 (Sub-No. 5X), decision served November 10, 2004.

The Board is respectfully requested to take official notice of that decision.

Very truly yours,

/s/

Thomas F. McFarland
Attorney for SMI Rebar

TMcF:kl:wp8.0\1062\e-filestbl

cc: James R. Paschall, Esq., *by e-mail*
Andy Akers, *by e-mail*